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Rebecca Kane
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2222A
1200 Pennsylvania Avenue NW
Washington, DC, 20460

**RE:INDUSTRIAL USER COMMENTS ON ENFORCEMENT AND COMPLIANCE HISTORY ONLINE
(ECHO) SYSTEM**

Dear Ms. Kane:

I am writing to comment on the new EPA Website, Enforcement and Compliance History Online (ECHO). Case New Holland disagrees with EPA's position that the data in ECHO is "highly reliable" (as stated in Frequently Asked Questions). Case New Holland has reviewed the data available on ECHO for five facilities that we found listed. Eight quarters of RCRA violations were erroneously reported for three of these facilities, when no violations should be reported. It has been a number of years since there were any RCRA regulatory concerns at two locations, 1987 and 1988, but they are still listed as "non-compliant" and the third has not received any notices relative to alleged non compliance. The number of quarters was incorrect for another facility (ECHO reported five when it should be four). We have submitted error-reporting forms to the website to have these corrected. Out of the five Case New Holland locations, four had errors, which calculates to a 20% accuracy rate with the information ECHO has in the system for our company.

Until the following data quality issues are corrected, we can not agree that the data included in ECHO is highly reliable and, therefore, it should be removed from the Internet or a prominent disclaimer is provided to the general public indicating the true quality of the data:

1. Correctly Present the Actual Period of Non-Compliance.
 - I understand EPA's position on reporting status by quarter but that inherently causes ECHO not to accurately portray the actual period of noncompliance. When a facility returns to compliance during a quarter, it is still shown as not in compliance during the entire quarter and not just the period of actual non-compliance.
 - The non-compliance period is based on when EPA is notified by various agencies that compliance has been confirmed. This does not always accurately represent the compliance status of a facility since it is dependent upon the time these agencies require to closeout the paperwork. Some agencies acknowledge that they are slow to do this and in some instances it does not appear to have been done at all. An operation can resolve all issues, submit the appropriate documentation to an agency and yet will continue to be listed in violation on the ECHO system.
1. Verify Data prior to Publishing it Online. To ensure that accurate data is reported in ECHO, EPA should give organizations an opportunity to review and verify the data prior to it being available to the public. EPA has put the burden on industry to identify and report these errors. At a minimum, operations should be given an opportunity to correct erroneous proposed entries prior to publication on-line.
2. Distinguish between alleged Violations and Actual Violations. By reporting all notices of violations resulting from inspections, ECHO is not accurately portraying the compliance status of a facility. It is not uncommon for an alleged violation to be identified by an agency inspector, the facility is sent a Notice of Violation, the violation is disputed and the agency can and does withdraw the finding. It would appear that this situation would be included in ECHO as a violation. Again, ECHO would not be accurately presenting actual compliance status of a facility.
3. Recognize and Account for Facility Ownership/Name Changes. Our organization, and I am sure others, have undergone both name and ownership changes, which are not reflected in ECHO, even though the appropriate documents have been filed with the appropriate agencies.

Case New Holland suggests that EPA take the ECHO system off-line until its data reliability can be assessed and reported to the public through recognized QA/QC procedures. EPA should then report that data in a certain confidence level rather than casually say ECHO is "highly reliable".

As stated by another commenter, "Incorrect, dated and misleading information serves no good environmental purpose and does nothing to enhance the public availability of such information."

Please contact me at (262) 636-6836 or james.mcbain@cnh.com if you have any questions or need any additional information.

Sincerely,

James P. McBain

Senior Director, Environmental, Health and Safety